

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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BETTY ANNE WATERS, as  
Administratrix of the Estate of  
KENNETH WATERS,

Plaintiff,

v.

TOWN OF AYER, NANCY TAYLOR-  
HARRIS, in her individual capacity, ARTHUR  
BOISSEAU, in his individual capacity,  
BUDDY DECOT, in his individual capacity,  
WILLIAM ADAMSON, in his individual  
capacity, PHILIP L. CONNORS, in his  
individual capacity, and JOHN DOE and JANE  
DOES 1–16, in their individual capacities,

Defendants.

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Case No. 04 10521 (GAO) (JGD)

**REQUEST TO RESCHEDULE ORAL  
ARGUMENT ON PLAINTIFF’S  
MOTION TO COMPEL THE  
DEPOSITION OF STATE POLICE  
TROOPER AL HUNTE**

Plaintiff respectfully requests that the Court reschedule oral argument on Plaintiff’s motion to compel the deposition of State Trooper Al Hunte, currently set for 2:30 p.m. on Wednesday, December 19, 2007, for 3:30 or 4:00 p.m. that afternoon, as both Plaintiff’s attorneys Barry Scheck and Deborah Cornwall are previously scheduled to appear before the Hon. Rya Zobel for a summary judgment argument in another action at 2:30 p.m. that day. *See Sarsfield v. Great American Ins. Co.*, No. 07 Civ. 11026 (RWZ) (Docket entry of Sept. 13, 2007, setting oral argument on the motion). In the alternative, Plaintiff requests that the Court adjourn the argument until Friday, December 21, 2007, and grant counsel leave to appear by phone.

Pursuant to the local rules, the undersigned has notified all opposing counsel of this request and attempted to establish alternative times when all counsel would be available.

Counsel for nonparty Massachusetts State Police (and for Trooper Hunte, whose deposition is at issue here), Michael Halpin, has indicated that his office takes no position on the motion and has no plans to appear at the argument. Counsel for nonparty Middlesex County District Attorney's Office is available at the proposed new time on December 19. Despite our best and repeated efforts, we have not heard back from defense counsel on this issue. While Mr. Tehan has objected to our notice of deposition of his police practices expert for that day on scheduling grounds (which is likely to be the subject of an application by Defendants in the near future), it is unclear whether he or cocounsel could be available briefly to argue this motion on December 19th.

Dated: December 12, 2007

Respectfully submitted,

/s/ Deborah L. Cornwall

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**Attorneys for Plaintiff Betty Anne Waters**

**CERTIFICATE OF SERVICE**

I, Emily Gordon, hereby certify that the foregoing document was filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and electronic and paper copies will be sent to those indicated as non-registered participants on December 12, 2007.

/s/ Emily Gordon  
Emily Gordon